## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

JUSTIN M. MULLIS,

Plaintiff

v.

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RICK MOORE,

Defendant

Case No.: 3:22-cv-00428-CSD

**Order** 

Plaintiff filed an application to proceed in forma pauperis (IFP) and pro se complaint. (ECF Nos. 2, 2-1.) When he filed those documents, Plaintiff was an inmate in the Elko County Jail. On January 31, 2023, the court entered an order granting Plaintiff's IFP application; 12 however, as an inmate, Plaintiff is required to pay an initial partial filing fee in the amount of 13 \| \\$10.02, and therefore, whenever his prison account exceeds \\$10, he is required to make monthly payments in the amount of 20 percent of the preceding month's income credited to his account 15 until the full \$350 filing fee is paid. As such, the court directed that a copy of the order be sent to the chief of inmate services for the Elko County Jail so that the payments could be taken from Plaintiff's inmate account (when sufficient funds exist). Plaintiff was allowed to proceed with his excessive force claim against Officer Rick Moore. (ECF No. 9.)

On February 2, 2023, Plaintiff filed a notice of change of address stating that he was sentenced on January 22, 2023, and is located at NDOC in Carson City, Nevada. (ECF No. 12.) The Clerk's docket entry reflects a change of address to P.O. Box 2028 in Elko, Nevada; however, this was the sending address from Plaintiff and not NDOC in Carson City, Nevada. A 3 4

search of NDOC's inmate database reflects that Plaintiff is housed in NDOC's Northern Nevada Correctional Center (NNCC).

The **Clerk** shall adjust the docket to reflect Plaintiff's change of address to NNCC. In the future, Plaintiff shall immediately file a notice of change of address in compliance with Local Rule IA 3-1, including, if applicable, the particular facility within NDOC where he is housed.

In case Plaintiff did not receive the court's order at ECF No. 9 due to his transfer to the custody of NDOC, the Clerk shall **SEND** a copy of this Order as well as ECF Nos. 9 and 10 to Plaintiff at NNCC. Plaintiff shall have **30 days** from the date of this Order to pay the initial partial filing fee in the amount of \$10.02. Thereafter, whenever his prison account exceeds \$10, he is required to make monthly payments in the amount of 20 percent of the preceding month's income credited to his account until the full \$350 filing fee is paid. This is required even if the action is dismissed or is otherwise unsuccessful. The Clerk shall also **SEND** a copy of this Order to the **Chief of Inmate Services for the Nevada Department of Corrections**, P.O. Box 7011, Carson City, Nevada 89702.

The Clerk has issued a summons for defendant Rick Moore. (ECF No. 11.) The Clerk shall **SEND** an additional USM-285 form to Plaintiff at NNCC. Plaintiff has **21 days** from the date of this Order to furnish the U.S. Marshal (at 400 S. Virginia Street, 2nd Floor, Reno, Nevada 89501) the required USM-285 form with the relevant information for defendant Moore. Within **20 days** after receiving from the U.S. Marshal a copy of the USM-285 forms showing whether service has been accomplished, if the defendant was not served, and if Plaintiff wants service to be attempted again, he must file a motion with the court providing a more detailed name and/or address for service, or indicating that some other method of service should be attempted.

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Service must be completed within **90 days** of the date of this Order. Fed. R. Civ. P. 4(m). If Plaintiff requires additional time to meet any of the deadlines set by the court, he must file a motion for extension of time under Local Rule IA 6-1 *before* expiration of the deadline, and the motion must be supported by a showing of good cause. A motion filed after the deadline set by the court or applicable rules will be denied absent a showing of excusable neglect.

Once a defendant is served, Plaintiff must serve a copy of every pleading or other document submitted for consideration by the court upon the defendant or, if an appearance has been entered by counsel, upon the attorney. Plaintiff must include with the original of each document to be filed with the court a certificate stating that a true and correct copy of the document was served on the defendant, or counsel, if the defendant has an attorney. Under Local Rule 5-1 the proof of service must show the day and manner of service and the name of the person served. The court may disregard any paper received which has not been filed with the Clerk, or that fails to include a certificate of service.

## IT IS SO ORDERED.

15 Dated: February 8, 2023

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Craig S. Denney United States Magistrate Judge